



1000 Vermont Avenue NW
Suite 1100
Washington, DC 20005
T 202 296 8800
F 202 296 8822
environmentalintegrity.org

February 1, 2023

Via FOIAonline submission

National Freedom of Information Officer
U.S. Environmental Protection Agency
National FOIA Office
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I am writing on behalf of the Environmental Integrity Project to request the following records held by the U.S. Environmental Protection Agency (EPA). The requested records pertain to the calculation and reporting of emissions of perfluorocarbons (PFCs) by US primary aluminum operators under both the Voluntary Aluminum Industrial Partnership (VAIP) and the Greenhouse Gas Reporting Program (GHGRP). We also request documents related to EPA's assessments of PFC reductions by the primary aluminum industry.

Records Requested

The records requested are as follows.

1. EPA publishes an annual report, Inventory of U.S. Greenhouse Gas Emissions and Sinks, intended to provide a comprehensive accounting of total greenhouse gas emissions for all man-made sources in the United States. The latest report published in 2022 summarizes emissions from 1990-2020.¹ The 2022 report states the following regarding emissions from the aluminum industry:

“Since 1990.... The combined CF₄ and C₂F₆ emission rate (per metric ton of aluminum produced) has been reduced by 69 percent.”

Records requested: We request copies of the data calculations, analyses, reports, white papers, memos, and/or any other documentation EPA relied upon as its basis for this estimated reduction.

2. EPA's Office of Atmospheric Programs publishes annual reports regarding emission reductions achieved through voluntary climate protection partnerships, such as the Voluntary Aluminum Industrial Partnership (VAIP). Page 27 of the Office's 2014 Climate Protection Partnerships Annual Report² states that the VAIP:

¹ Available at: <https://www.epa.gov/system/files/documents/2022-04/us-ghg-inventory-2022-main-text.pdf>

² Available at: https://www.energystar.gov/sites/default/files/asset/document/ENERGYSTAR_2014AnnualReport_508.pdf

“Reduced PFC emissions on a per ton basis by more than 30 percent and absolute emissions by 6.5 MMTCO₂e compared to the industry’s 1990 baseline.”

Records requested: We request copies of the data calculations, analyses, reports, white papers, memos, and/or any other documentation EPA relied upon as its basis for this estimated reduction.

3. PFC emissions data elements reported on an annual basis by the following operators to EPA, including annual production, anode effect frequency, anode effect duration, anode effect minutes per cell day, and the technology-based and smelter-specific slope coefficients used. We request these data covering the years from 2010-2021 for the following operators:

- Alcoa
- Century Aluminum
- Noranda Aluminum
- Magnitude 7 Metals

4. Any records, reports, data analyses, correspondence, operation plans, and/or any other documentation submitted to EPA demonstrating technological and operational measures taken to reduce the frequency and duration of anode effects (including but not limited to evidence of employee training, computer monitoring, and alumina feeding techniques) from the period of 2010-2021 at the following aluminum production smelters:

- Alcoa Massena (NY), Warrick (IN), Intalco (WA), and Wenatchee (WA)
- Century Aluminum Hawesville (KY), Sebree (KY), and Mt. Holly (SC)
- Magnitude 7 Metals (MO) (*operating as Noranda Aluminum until 2016*)

5. Primary aluminum operators measure the slope coefficient (as kg CF₄ per metric ton of aluminum) as part of estimating PFC emissions. They are required to do so at minimum every ten years, or whenever major technological or process changes occur that affect underlying algorithms (40 CFR Subpart F, § 98.64, and clarified in the 2011 EPA information sheet on mandatory reporting of greenhouse gases by the aluminum production sector, <https://www.epa.gov/sites/default/files/2018-02/documents/infosheetf-aluminumproduction.pdf>).

Based on this requirement, we request any records, reports, memos, correspondence, operation plans, technical reports, data analyses, or other documentation submitted to EPA demonstrating the basis for the slope coefficients and their subsequent approval by EPA for inclusion in the GHGRP. We request these records for the following facilities and corresponding coefficients and measurement dates listed in the GHGRP:

- Alcoa Massena (NY), 0.143, 6/3/21
- Alcoa Warrick (IN), 0.13, 3/16/2011 (or later if more recent measurements are available)
- Century Sebree (KY), 0.105, 10/12/12 (or later if available)
- Century Hawesville (KY), 0.044, 5/3/19
- Century Mt. Holly (SC), 0.095, 12/31/19
- Magnitude 7 Metals (MO), 0.098, 5/10/21

Request for Records in Electronic Format and on a Rolling Basis

EIP would like to receive records electronically. Additionally, we ask for this request to be fulfilled on a rolling basis, such that groups of documents are provided to us while others are in the process of identification and retrieval.

Claims of Exemption from Disclosure

If you regard any documents as exempt from required disclosure, please exercise your discretion to disclose them nevertheless. In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non-exempt portions of records and communications.

Should you elect to invoke an exemption, please provide a full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal the decision. In accordance with the minimum requirements of FOIA and EPA's regulations implementing FOIA, such information should include:

- Basic factual material, including the originator, date, length, and addresses of the withheld items; and
- Explanations and justifications for denial, including the exemption applicable to the withheld information or portions of the information found to be subject to exemption and how each exemption applies to the withheld material.

Request for Fee Waiver

EIP respectfully requests that the Agency exercise its discretion to waive all charges incurred in connection with this FOIA request. EIP is a non-profit, non-partisan watchdog organization that advocates for effective enforcement of environmental laws. Comprised of former EPA enforcement attorneys, EIP is engaged in educating the public about and increasing public understanding of environmental issues and taking legal or other actions necessary to ensure compliance with federal environmental laws. EIP frequently uses information it obtains through Freedom of Information Act and Right to Know requests to analyze and simplify public information on environmental issues through the issuance of reports that are covered by media sources. EIP uses its expertise to gather and publicly distribute information related to human health and the environment in a manner that is clear, transparent, and accurate. EIP has a long, demonstrated, and continuing history of expertise and contribution to the public understanding on a number of topics pertaining to governmental operations and regulated industrial sectors.

In furtherance of this, EIP distributes information via regularly published reports and press releases, its frequently updated website (<http://www.environmentalintegrity.org>) and social media platforms (<https://twitter.com/EIPOnline>; <https://www.facebook.com/EnvIntegrity/>), communication with partner organizations and outside media outlets, and legal and administrative documents such as public comments on agency rulemakings and permits and briefs and documents filed in litigation. EIP intends to make the same dissemination in this

instance. More specifically, EIP plans to publish the records and our findings on its websites and to disseminate the materials to both national media sources and local outlets in the states to which the requested information pertains.

As a public interest organization, EIP does not have any commercial interest in the records sought, and the information delivered in response to this request will not be used for any commercial purpose, business, trade, or profit. The information and records sought will significantly contribute to the public's understanding of how emissions from these facilities are reported, quantified, and measured, and disclosure of these records serves the vital public interest of transparency and facilitating public understanding of these issues.

In the event that the Agency does not grant the requested waiver, please provide information concerning the specific basis for such a decision as well as an estimate of the cost of the response.

Conclusion

Thank you for your prompt attention to this matter. Should you need further information or have any questions concerning this request or that would allow you to clarify or limit this request, please do not hesitate to reach out to me at SLee@environmentalintegrity.org.

All best,

Sanghyun Lee
Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
SLee@environmentalintegrity.org
(202) 263-4441